



INTELLECTUAL PROPERTY
402-391-4448

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September 30, 2006

Commissioner for Patents
Box: 1450
Alexandria, VA 22313-1450

RE: APPLICATION OF JOHS ET AL. TITLED: "ROTATING OR ROTATABL E
SPECTROSCOPIC ELLIPSOMETER SYSTEM INCLUDING MULTIPLE ELEMENT
LENSES";
SERIAL NO.: 10/829,620;
FILE DATE: 04/22/2004;
ART UNIT: 2877;
EXAMINER: ISIAKA O. AKANBI.

Dear Sir;

I am in receipt of an Action dated 09/26/06 regarding the identified Application.

The Examiner has Allowed Claims 1-4 and 12, but rejected Claims 5-11 and 13-15 based on Sections 103 and 102 in view of a Patent to Jellison Jr. et al. No. 5,956,147.

In response, Applicant accepts Allowance of Claims 1-4 and 12 and in this Application abandons Claims 5-11 and 13-15. Said Canceled Claims will again be presented in a CIP. This response is not an admission that Claims 5-11 and 13-15 are not Patentable. In fact, it is strongly forwarded that said Claims are Patentable as the present Application has priority over Jellison 147 via a Chain of Priority, and further, Jellison does not describe a rotating or rotatable compensator system, but rather a modulation element system which is very different. This will be focused on in a forthcoming Application.

IFW

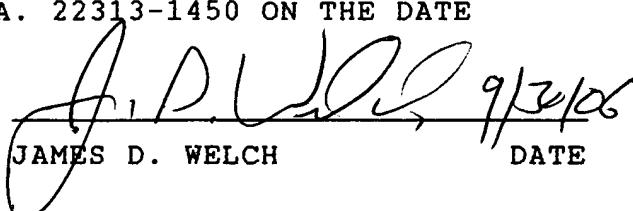
Sincerely,

JAMES D. WELCH

JW/hs

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS TRANSMITTAL IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, BOX: 1450, ALEXANDRIA VA. 22313-1450 ON THE DATE INDICATED BELOW.


JAMES D. WELCH

9/3/06
DATE